

TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule
LSA Document #11- 255 (E)

DIGEST

Based upon inspections by the Division of Entomology and Plant Pathology of sites in Indiana where agricultural, horticultural, or sylvan products are being grown, shipped, sold, or stored, the Director of the Department of Natural Resources determines under IC 14-24-4-2 that emerald ash borers are present within the State so as to warrant their quarantine and control in the following locations: Adams County, Allen County, Benton County, Blackford County, Brown County, Carroll County, Cass County, Clinton County, Dekalb County, Delaware County, Dubois County, Elkhart County, Floyd County, Fulton County, Grant County, Hamilton County, Hancock County, Harrison County, Hendricks County, Howard County, Huntington County, Jasper County, Kosciusko County, LaGrange County, Lake County, LaPorte County, Lawrence County, Madison County, Marion County, Marshall County, Miami County, Monroe County, Newton County, Noble County, Orange County, Porter County, Pulaski County, Randolph County, Ripley County, St. Joseph County, Starke County, Steuben County, Tippecanoe County, Tipton County, Wabash County, Washington County, Wells County, White County, and Whitley County. Temporarily amends 312 IAC 18-3-18, which provides standards and locations for the control or quarantine of emerald ash borers, to include each of these counties in the areas of control or quarantine. Repeals LSA Document #10-357(E), posted at 20100609-IR-312100357ERA; LSA Document #10-263(E), posted at 20100512-IR-312100263ERA; and LSA Document #10-356(E), posted at 20100609-IR-312100356ERA. Effective May 1, 2011.

SECTION 1. This document assists in the implementation of IC 14-24-4 and supplements 312 IAC 18-3-18.

SECTION 2. The definitions in IC 14-8, IC 14-24, 312 IAC 1, 312 IAC 18-1, and 312 IAC 18-3-18 apply throughout this document.

SECTION 3. (a) The following counties are regulated under 312 IAC 18-3-18 as infested areas where emerald ash borers are present:

- (1) Adams County.**
- (2) Allen County.**
- (3) Benton County.**
- (4) Blackford County.**
- (5) Boone County.**
- (6) Brown County.**
- (7) Carroll County.**
- (8) Cass County.**
- (9) Clinton County.**
- (10) Dekalb County.**
- (11) Delaware County.**

- (12) Dubois County.
- (13) Elkhart County.
- (14) Floyd County.
- (15) Fulton County.
- (16) Grant County.
- (17) Hamilton County.
- (18) Hancock County.
- (19) Harrison County.
- (20) Hendricks County.
- (21) Howard County.
- (22) Huntington County.
- (23) Jasper County.
- (24) Jay County.
- (25) Kosciusko County.
- (26) LaGrange County.
- (27) Lake County.
- (28) LaPorte County.
- (29) Lawrence County.
- (30) Madison County.
- (31) Marion County.
- (32) Marshall County.
- (33) Miami County.
- (34) Monroe County.
- (35) Newton County.
- (36) Noble County.
- (37) Orange County.
- (38) Porter County.
- (39) Pulaski County.
- (40) Randolph County.
- (41) Ripley County.
- (42) St. Joseph County.
- (43) Starke County.
- (44) Steuben County.
- (45) Tippecanoe County.
- (46) Tipton County.
- (47) Wabash County.
- (48) Washington County.
- (49) Wells County.
- (50) White County.
- (51) Whitley County.

(b) Each of the following is exempted from this SECTION and 312 IAC 18-3-18:

(1) Uncomposted ash chips and uncomposted ash bark chips not larger than one (1) inch in diameter.

(2) Firewood of any nonconiferous species with bark removed.

(c) Inspection and certification are not required for a person to move a regulated article to a contiguous infested area, as long as the regulated article is not also moved through a nonregulated area.

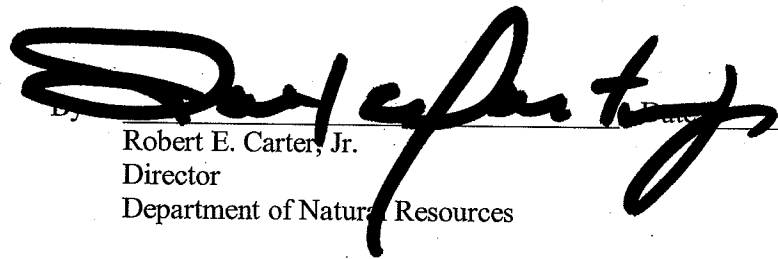
(d) This SECTION supersedes 312 IAC 18-3-18(c) and 312 IAC 18-3-18(l).

SECTION 4. THE FOLLOWING ARE REPEALED: LSA Document #10-357(E), posted at 20100609-IR-312100357ERA; LSA Document #10-263(E), posted at 20100512-IR-312100263ERA; LSA Document #10-356(E), posted at 20100609-IR-312100356ERA.

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Rule #: LSA #11- 255 (E)
Agency: Natural Resources Commission
Subject: Emerald Ash Borer Quarantine

ADOPTED:

 4/27/2011
By: Robert E. Carter, Jr.
Director
Department of Natural Resources

ACCEPTED FOR FILING:

By: TITLE 312 NATURAL RESOURCES COMMISSION
LSA Document #11-255(ER)

Filed with Publisher: April 27, 2011, 11:13 a.m.
By: RLW